REMARKS

Claims 1-4, 7-12 and 20 have been amended and claims 5, 6 and 15 are canceled. Claims 1-4, 7-14 and 16-27 are pending. Reconsideration of this application is respectfully requested.

Claims 1, 7, 12 and 20 have been amended to better clarify the term "high molecular weight starch hydrolysate". Claim 1 has been amended to better clarify that the composition can be either a batter or a dough, and claims 2-11, which depend from claim 1, have been amended to continue this clarification. No new matter has been added by these amendments.

112 Rejections

Claims 1-27 were rejected under 35 U.S.C. 112, second paragraph. Applicants respectfully disagree, and request that this rejection be withdrawn.

Regarding claim 1, the term "dough and batter composition" has been amended to read "dough or batter composition". The use of "dough" and "batter" is intended to represent that the composition of the claim 1, and claims 2-11 which depend therefrom, could be either a dough or a batter, and that the invention is not limited to one, but can be either a dough or a batter.

"High molecular weight starch hydrolysate", used in claims 1, 3-7, 12, 14, 15 and 20 is discussed throughout the application. See for example page 7, lines 3-9, where it states that high molecular weight starch hydrolysates are hydrolyzed starches that have a glucose backbone. The molecular weight is inversely proportionate to the DE. Also on page 7, at lines 22-24, it states that the high molecular weight starch hydrolysates generally have a low DE range, such as about 1 to 50 DE, preferably 5 to 30 DE and more preferably 10 to 20 DE.

To better clarify the invention and the term "high molecular weight starch hydrolysate", claims 1, 7, 12 and 20 have been amended to recite that the high molecular weight starch hydrolysate has a DE of 1 to 20.

"Gelato", referred to in claims 17 and 25, is a frozen dessert or confection that is readily available.

Regarding claim 24, which recites that the baked good is mixed throughout the filling, an example of such a food item is show in Figure 3 and described at page 6, lines 3 through 9.

103 Rejections

Claims 1-27 were rejected under 35 U.S.C. 103 as unpatentable over Savage, U.S. Patent No. 4,812,323. Applicants respectfully disagree and request that this rejection be withdrawn.

Savage teaches a convex cookie and methods of making the cookie by using a baking pan having a lower mold and an upper mold. Savage discloses a cookie recipe that includes brown sugar, corn syrup solids, eggs, wheat flour, modified food starch, and other ingredients.

This is a typical, conventional cookie recipe and such recipes are common. The corn syrup solids used is a typical corn syrup solids that is well known; the DE for such common corn syrup solids is generally 36 to 43 DE. Although Savage does not recite the dextrose equivalent of the corn syrup solids used, it is known by one skilled in the baking art that unless the DE is provided (e.g., 20 DE), the corn syrup solids are the typical or common corn syrup solids having a low molecular weight and high DE (generally 36 to 43 DE).

The dough of the present invention, and the articles made therefrom, recite the use of at least one of a high molecular weight starch hydrolysate having a DE of 1 to 20 and a crystalline hydrate former. This range, 1 to 20 DE, is desired for high moisture content applications, because the high molecular weight molecules do not adsorb or absorb moisture, or otherwise cause the baked good to become soggy in the presence of moisture.

The Examiner believes that the conventional cookie recipe disclosed by Savage would provide a baked good having the recited modulus at the specific thickness. Applicants cannot agree with this. Conventional corn syrup solids attract and bind moisture, resulting in a soggy, undesirable product, especially at the moisture levels, e.g., 10%, recited in the claims. The present invention is aimed at solving problems associated with moisture and conventional recipes. High molecular weight starch hydrolysates having a DE of 1 to 20, and crystalline hydrate formers, are a solution to producing a baked good that remains crispy and crunchy in high moisture atmospheres and when in contact with high moisture fillings. It is high molecular weight starch hydrolysates having a DE of 1 to 20 and crystalline hydrate formers that allow the product to achieve the recited modulus.

Applicants contend that it would not have been obvious to replace a conventional corn syrup solids with corn syrup solids having a DE of 1 to 20. As the DE of a material decreases, so

does the sweetness. Thus, corn syrup solids having a DE of 1 to 20 are less sweet than conventional corn syrup solids. Additionally, it would not be obvious to substitute high molecular weight starch hydrolysates having a DE of 1 to 20 or crystalline hydrate formers into the recipe of Savage, because the high molecular weight of these claimed sweeteners provides different characteristics to the batter or dough, or to the resulting baked good.

In sum, Applicants contend that the pending claims are unobvious over Savage, and withdrawal of this rejection is requested.

SUMMARY

Applicants submit that the claims are in proper form for allowance and respectfully request reconsideration and allowance thereof. A Notice of Allowance is requested.

Attached is a marked-up version of the amendments made to the claims by the current amendment. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

The Examiner is invited to contact the undersigned representative if it will facilitate prosecution of this application.

Respectfully Submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 5, 6 and 15 have been canceled.

Claims 1-4, 7-12 and 20 have been amended as follows:

1. (Amended) A dough or [and] batter composition comprising flour, water and a sweetener, the sweetener comprising at least one of a high molecular weight starch hydrolysate having a DE of 1 to 20 and a crystalline hydrate former, the dough composition, when baked to a thickness of about 2.2 mm, having a modulus of at least 200 g/mm^2 at a moisture content of 10%.

2. (Amended) The [dough] composition according to claim 1, when baked to a thickness of about 2.2 mm, having a modulus of at least 300 g/mm^2 at a moisture content of 10%.

3. (Amended) The [dough] composition according to claim 1, wherein the sweetener comprises at least one of the high molecular weight starch hydrolysate and the crystalline hydrate former, and sucrose.

4. (Amended) The [dough] composition according to claim 3, wherein the sweetener comprises at least 40% of at least one of high molecular weight starch hydrolysate and crystalline hydrate former.

7. (Amended) The [dough] composition according to claim 1, wherein the high molecular weight starch hydrolysate is corn syrup solids having a DE of 1 to 20.

8. (Amended) The [dough] composition according to claim 1, wherein the crystalline hydrate former is selected from the group consisting of maltose, trehalose, isomalt, and raffinose.

9. (Amended) The [dough] composition according to claim 2, when baked to a thickness of about 2.2 mm, having a modulus of at least 350 g/mm^2 at a moisture content of 10%.

10. (Amended) The [dough] composition according to claim 1, when baked to a thickness of about 2.2 mm, having a modulus of at least 200 g/mm^2 at a moisture content of 9%.

11. (Amended) The [dough] composition according to claim 10, when baked to a thickness of about 2.2 mm, having a modulus of at least 300 g/mm^2 at a moisture content of 9%.

12. (Amended) A baked good made from a dough or batter composition comprising flour, water and a sweetener, the sweetener comprising at least one of a high molecular weight starch hydrolysate having a DE of 1 to 20 and a crystalline hydrate former, the baked good, when having a thickness of about 2.2 mm, having a modulus of at least 200 g/mm^2 at a moisture content of 10%.

20. (Amended) A filled food product comprising:

a baked good composition comprising flour, water and a sweetener, the sweetener comprising at least one of a high molecular weight starch hydrolysate having a DE of 1 to 20 and a crystalline hydrate former; and

a filling in contact with the baked good.